

MEMO ENDORSED

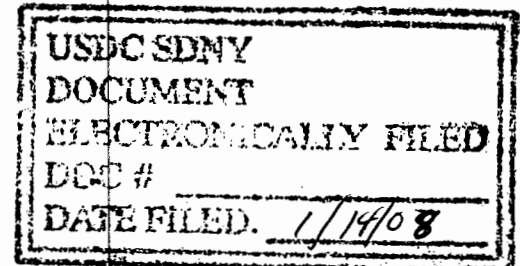


JAN 14 2008

January 14, 2008

VIA FAX 212-805-6712

Magistrate Judge Kevin N. Fox
United States District Court
Southern District of New York
40 Foley Square - Room 540
New York, New York 10007



Re: Daniel Szaroleta v. Metro-North Commuter Railroad – 07 CV 7639 (DLC)(KNF)

Dear Magistrate Fox:

I represent the defendant, Metro-North Commuter Railroad, in the above referenced matter. The attorney assigned to this matter is currently on maternity leave and I noticed that there is a settlement conference currently scheduled for January 15, 2008. The plaintiff's deposition was recently done on December 13, 2007. However, the defense medical examination has yet to be scheduled. The defendant cannot proceed with the settlement conference without an evaluation of the plaintiff's medical condition and its cause. Accordingly, the defendant respectfully requests a forty-five (45) day adjournment of the settlement conference. At that time, the parties will be in a better position to discuss settlement. Plaintiff's counsel, Marc Wietzke, Esq., is currently in my office on another matter and has consented to the request. This is the first request for an adjournment of the settlement conference.

Thank you for your consideration.

Yours truly,

José R. Rios
Special Counsel
212-340-2537

cc: Marc Wietzke, Esq. – by hand

1/14/08
Application granted.
The settlement conference
previously scheduled for
January 15, 2008, will be
held on March 4, 2008, at
10:45 a.m.
SO ORDERED:

KEVIN NATHANIEL FOX, U.S.M.J.